REMARKS

Claims 1-17 are pending in the present application. The pending claims have been amended. Support for the proposed amendments may be found in Figure 4 and related discussion in the text of the Patent Application. No new matter has been added.

In the Office Action, the Examiner indicated that claims 7 and 15 include allowable subject matter. Claims 7 and 15 have been amended to rewrite these claims in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully request that the Examiner's objections to claims 7 and 15 be withdrawn.

Claims 1-4 and 8-9 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tanno, et al. (U.S. Patent No. 6,078,472). Claims 5-6, 10-14, and 16-17 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tanno in view of Yonemoto (U.S. Patent No. 6,298,239). The Examiner's rejections are respectfully traversed.

Tanno is concerned with preventing collisions between packets transmitted by a plurality of mobile stations at the same time on a single channel. See Tanno, col. 1, ll. 19-24. Tanno describes a control portion 52 that may cause generation of a transmission request signal that is output to a base station 30 via an access channel 10A. When a traffic control portion 32 of the base station 30 receives the transmission request signal, the traffic control portion 32 checks on the state of utilization of message channel 10B and decides on a transmission timing for messages that are to be transmitted over the message channel 10B to avoid the collision of packets that are transmitted by different mobile units using different spreading codes. The transmission timing is transmitted through a broadcast channel 20 to each mobile station. See Tanno, col. 6, line 32 – col. 7, line 25. The mobile units may then transmit information over the

message channel 10B according to the transmission timing using different spreading codes. See, *e.g.*, Tanno, col. 7, line 56- col. 8, line 16.

The Examiner alleges that the mobile station transmits data to the base station via the uplink channel 10B based upon transmission timing associated with the broadcast channel 20 and further related to a time at which the mobile station receives a grant signal via the broadcast channel 20. However, Applicants respectfully submit that Tanno does not describe or suggest transmitting information over a second *uplink* channel at a time related to timing of a first *uplink* channel and a time at which a grant signal permitting transmission of information over the second *uplink* channel is received, as set forth in independent claims 1 and 10. Applicants also submit that Tanno does not describe or suggest determining timing associated with the first *uplink* channel from the first mobile device to the base station based on timing information used to transmit information from a second mobile device to the base station, as set forth in claims 9 and 17.

For at least the aforementioned reasons, Applicant respectfully submits that claims 1-4 and 8-9 are not anticipated by Tanno and requests that the Examiner's rejections of these claims under 35 U.S.C. § 102(b) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of Tanno and Yonemoto, either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Tanno does not teach or suggest transmitting information over the second *uplink* channel at a time related to the timing of the first *uplink* channel and a time at which the grant signal is received, as set forth in independent claim 1, and transmitting information over the second *uplink*

channel at a time near a preselected target time while maintaining substantial orthogonality with the timing of the first *uplink* channel, as set forth in independent claim 10.

Yonemoto states that when a broadcast message that allows/requires a response is transmitted to a plurality of reception apparatuses, the replies may be transmitted at about the same time, which may result in a traffic jam. See Yonemoto, col.1, ll. 53-61. Yonemoto therefore describes determining a random delay between reception of the broadcast information and the time that the user is notified of the reception. Once the user is notified of reception of the information, the user may respond at any subsequent time. See Yonemoto, col. 11, line 9 – col. 12, line 36. However, Yonemoto also describes timing relations between uplink and downlink signals and therefore fails to remedy the aforementioned fundamental deficiencies of Tanno. Accordingly, Applicant respectfully submits that the prior art of record fails to teach or suggest all the limitations of the claimed invention.

Furthermore, the cited references fail to provide any suggestion or motivation to modify the prior art to arrive at the claimed invention. To the contrary, Tanno and Yonemoto are both concerned with timing relations between uplink and downlink signals and therefore fail to provide any suggestion or motivation for the subject matter set forth in the pending claims.

For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that the pending claims are obvious over the cited references and requests that the Examiner's rejections of claims 5-6, 10-14, and 16-17 under 35 U.S.C. § 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the

undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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